

REMARKS

Early and favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-25 are currently pending in the present application. Claims 1-25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter regarded as the invention. Claims 1, 24 and 25 have been amended to indicate that the reactive layer is between the substrate and the reflective layer as suggested by the Examiner. It is respectfully requested that based on the foregoing amendment, the rejection has been overcome and should be withdrawn.

With respect to the rejection of claims 1-25 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,866,909 to Wisnudel et al. (hereinafter "Wisnudel"), it is respectfully submitted that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications,

patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Wisnudel reference is disqualified as prior art against claims 1-25 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

With respect to the rejection of claims 1-25 under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0207206 to Olson et al. ("Olson '206") in view of Wisnudel and/or JP01290137 to Abe et al. ("Abe"), it is respectfully submitted, for the same reasons above, that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the

applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that Olson '206 in view of Wisnudel and/or Abe is disqualified as prior art against claims 1-25 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

With respect to the rejection of claims 1-25 under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0198892 to Ezbiasky et al. ("Ezbiasky") in view of Wisnudel and/or Abe, it is respectfully submitted, for the same reasons above, that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time

the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that Ezbiansky in view of Wisnudel and/or Abe is disqualified as prior art against claims 1-25 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1-25 were rejected on the grounds of nonstatutory obviousness-type double patenting as unpatentable over Wisnudel.

In response to the rejection of claims 1-25 under the nonstatutory ground of obviousness-type double patenting, Applicants submit herewith a Terminal Disclaimer to obviate the double patenting rejection over the cited art of reference. Accordingly, in view of the submission of the Terminal Disclaimer, Applicants respectfully submit that the rejection of claims 1-25 under the nonstatutory ground of obviousness-type double patenting over Wisnudel, has been overcome.

Claims 1-25 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Patent Application No. 10/657631 to Olsen et al. (hereinafter "Olsen '013") and as being unpatentable over claims 1-24 of the copending Olsen '206 reference in view of Wisnudel and/or Abe. In the event that it becomes necessary, the Applicants will submit a Terminal Disclaimer as appropriate to address these rejections.

It is believed that the claims of the application, i.e., claims 1-25, are in condition for allowance. In the event that the examiner believes that a telephone conference or a personal interview may facilitate resolution of any remaining matters, the undersigned may be contacted

at the number indicated below. In view of the foregoing amendment and remarks, early and favorable action on this application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond E. Farrell', is written over a horizontal line.

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